

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
W.R. Grace & Co., et al.,)	Case No. 01-01139 (JKF)
)	(Jointly Administered)
Debtors.)	
)	

**CLAIMANTS REPRESENTED BY THE LAW FIRM OF MOTLEY
RICE LLC’S DESIGNATION OF FINAL FACT AND EXPERT
WITNESSES; EXHIBIT LISTS; AND DEPOSITION DESIGNATIONS
REGARDING PRODUCT IDENTIFICATION AND LIMITATIONS PERIODS
ISSUED AS DESCRIBED IN DEBTORS’ FIFTEENTH OMNIBUS OBJECTION**

The Claimants¹ represented by the law firm of Motley Rice LLC (hereinafter the “Motley Rice” Claimants) hereby designate final fact and expert witnesses; exhibits lists, and deposition designations regarding the adjudication of product identification and statute of limitations issues as described in Debtors’ Fifteen Omnibus Objection (Substantive) to Asbestos Property Damage Claims (“Fifteenth Omnibus Objection”) as follows:

Expert Reports Regarding PID/SOL

The Motley Rice Claimants previously supplemented and adopted plaintiffs’ expert reports which may be relevant in certain portions of the Phase for Adjudication of Product Identification and the Limitations Period.

The Motley Rice Claimants intend to rely on these reports, among other fact witnesses, expert testimony and product identification documents, during the Adjudication Phase for

¹ The Asbestos Property Damage Claimants represented by the law firm of Motley Rice LLC, on whose behalf this Amended Designation of Fact and Expert Witnesses Regarding the Schedule for the Adjudication of Product Identification, Limitations Periods and the Libby Issue, as Described in the 15th Omnibus Objections, is served, include the following: American Legion (Claimant #3406); Catholic Diocese of Little Rock (Claimant #3515); CHP Associates (Claimant #2977); Fargo Housing Authority (Claimant #3405); Port of Seattle (Claimants #9645, 9646 and 9647); and State of Washington (Claimants #6937, 6938, 6939, 6940, 6941, 6942, 6943 and 6944). Preliminary Fact and Expert Designations were filed on behalf of claim claimant pursuant to the Court’s Scheduling Order and are incorporated herein.

Product Identification set in April, 2007. Motley Rice Claimants have previously identified experts, who will testify regarding the micro-analytical testing of asbestos containing material (“ACM”) bulk samples which were obtained from buildings owned or operated by such Claimants and for which a product identification report was filed with the Proof of Claim or supplemented thereto.

Such expert witnesses are qualified and experienced in the fields of materials characterization, microscopy, chemistry and/or similar scientific disciplines and will in their testimony compare the results of the testing of such bulk samples to W.R. Grace’s (“Grace”) known product formulas and/or related formula documents in order to make a match to specific Grace fireproofing and/or acoustical ACM products used in the Motley Rice Claimants’ buildings.

Fact Witnesses Regarding PID/SOL

Motley Rice Claimants previously identified fact witnesses regarding PID/SOL. Additional Witnesses include:

- Brian Riley – Washington State University/Capitol Complex claims
- Keith Bloom – Washington State University claim
- Chad Babcock, Legend Technical Service – Fargo Housing Authority

Motley Rice Claimants may also call any representative and or employee of Claimants as a fact witness. Any such individual may be called by Motley Rice Claimants on the subject of chain of custody of the ACM bulk samples obtained from Claimants’ buildings at issue and transmitted to MAS Laboratories, or with regard to other similarly related issues, including but not limited to information regarding the bulk sample data sheets. For certain Motley Rice Claimants’ buildings and ACM products, such individuals may provide additional product

identification related factual testimony in connection with their experience acquired over decades in the inspection of hundreds of buildings which have been determined and/or admitted by Grace to contain Grace ACM products. This evidence may include, but is not limited to, the appearance and characteristics of Grace ACM in place and bulk samples of such material.

The Motley Rice Claimants may call past and/or present employees of Grace or their licenses and/or distributors and representatives as fact witnesses. Such individuals may have knowledge regarding the manufacture and sale of Grace's ACM products, product formulation, variation or additives, including plant and/or production changes, alterations and/or manufacturing quality control problems and/or sales/distribution market share for particular ACM products in certain states and regions of the country. The Motley Rice Claimants may also call any individual listed on their preliminary product identification fact witnesses designated in Motley Rice Claimants' Preliminary Designation of Fact and Expert Witnesses and past and/or present employees of any business involved with contracting, distributing, installing, specifying, purchasing, removing or abating any asbestos-containing products from any of the Claimants' premises. Such individuals may have knowledge regarding the installation, purchases, distribution or removal of Grace's ACM products.

Exhibit List

- Proof of claims forms previously submitted for Motley Rice's 19 Claimants (listed in footnote 1).
- Motley Rice Claimants reserve the right to supplement Exhibits.

Further, the Motley Rice Claimants reserve the right to:

1. Call as an expert or fact witness any such witness listed by any other party, including Claimants, the Debtor, or the PD Committee. The subject of such testimony will be the same as that listed by the other party;
2. Incorporate herein all W.R. Grace fact or expert witnesses, and their depositions for purposes related to the trial on PID;
3. Utilize W.R. Grace depositions to authenticate any documents attached to Claimants filings for identification of W.R. Grace products or documents relative to W.R. Grace objections based on PID;
4. Incorporate herein any and all chain of custody witnesses as they relate to bulk, dust and air sample collections, surveys and analysis;
5. Incorporate herein any and all persons who were involved in collection of bulk of air or dust samples, the analysis of such and persons if not specifically identified above involved in conducting, supervising or analyzing asbestos surveys;
6. Identify additional fact and expert witnesses regarding W.R. Grace products, and the known hazards of such products;
7. Adopt as an expert or fact witness any other such witness listed by any other party, including Claimants, the Debtor, or the PD Committee regarding PID.

Dated: March 13, 2007

Respectfully Submitted by:

JASPAN SCHLESINGER HOFFMAN LLP

/s/ Laurie Schenker Polleck

Laurie S. Polleck, Esquire (No. 4300)

913 N. Market Street, 12th Floor

Wilmington, Delaware 19801

Telephone: (302) 351-8000

Facsimile: (302) 351-8010

-and-

MOTLEY RICE LLC
Anne McGinness Kearse
MOTLEY RICE LLC
28 Bridgeside Blvd.
P.O. Box 1792
Mount Pleasant, SC 29465
Telephone: (843) 216-9140
Facsimile: (843) 216-9440
E-mail: akearse@motleyrice.com